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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,268	06/16/2005	Takeaki Itsuji	03500.102996	9293

5514 7590 12/22/2006
FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

RAYMOND, EDWARD

ART UNIT	PAPER NUMBER
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2857

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/539,268

Applicant(s)

ITSUJI ET AL.

Examiner

Edward Raymond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060926</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 1-10** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim merely claims detecting and calculating. There is no final result of a tangible outcome. Appropriate action is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-6 and 8-10** are rejected under 35 U.S.C. 102(b) as being anticipated by Detweiler et al.

Detweiler et al. teach a spatial position detection method for detecting information on a relative spatial position of an object with respect to an interface section having an arbitrary shape (Claims 1 and 9: see col. 6, lines 25-33) and dealing with transmission of information and a signal from one side to the other side of the interface section (Claims 1 and 9: see col. 6, lines 27-31), the spatial position detection method comprising: detecting an electromagnetic wave radiated from the object and transmitted

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through the interface section (Claims 1 and 9: see col. 13, lines 47-58); and calculating information on spatial position coordinates of the object based on a result of the detecting (Claims 1 and 9: see col. 16, lines 16-34).

Detweiler et al. teach a spatial position detection method wherein the electromagnetic wave is detected by calculating a position of a focus spot resulting from focusing of the electromagnetic wave radiated from the object and transmitted through the interface section (Claim 2: see col. 12, lines 44-55).

Detweiler et al. teach a spatial position detection method wherein shape information of the interface section is stored as spatial coordinate data in advance (Claim 3: see col. 16, lines 31-34), and relative spatial position information of the object with respect to the interface section is calculated based on the spatial position coordinates of the object and the stored spatial coordinate data of the interface section (Claim 3: see col. 16, lines 31-34).

Detweiler et al. teach a spatial position detection method wherein a position in the focus spot having a highest signal intensity in an intensity distribution of the focus spot is set as the position of the focus spot (Claim 4: see col. 12, lines 43-65), an incident angle of the electromagnetic wave radiated from the object and entering the interface section is calculated based on the position of the focus spot and optical characteristics exhibited during the focusing of the electromagnetic wave (Claim 4: see col. 12, lines 43-65), and information on spatial position coordinates of the object is calculated based on intensity of the focus spot and the incident angle of the electromagnetic wave radiated from the object (Claim 4: see col. 16, lines 16-54).

Detweiler et al. teach an information input method that employs the spatial position detection method comprising: monitoring information on a relative distance between an arbitrary position of the interface section and the object (Claims 8 and 10: see Figure 18); processing a result of the monitoring in accordance with a predetermined interpretation method (Claims 8 and 10: see col. 16, lines 16-54); and controlling an operation of an apparatus and input states of information or a signal (Claims 8 and 10: see Figure 4 Transmitter Control Electronics 122).

Contact Information

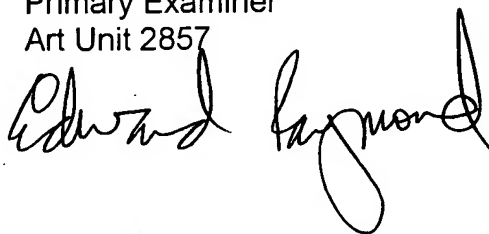
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 571-272-2221. The examiner can normally be reached on M-F 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edward Raymond
Primary Examiner
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A handwritten signature in black ink, appearing to read "Edward Raymond", is written over the printed name and title.

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